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LEGISLATIVE HISTORY

Public Law 87--78th Congress

Chapter 142--1st Session

U. S. 131

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DIGEST OF PUBLIC LAW 87

REEMPLOYMENT RIGHTS FOR PERSONS IN THE MERCHANT MARINE.

Provides reemployment rights for Government employees who leave their positions to serve in the Merchant Marine.

PUBLIC LAW 87-131

January 6, 1943	Introduced by Mr. Flann and referred to the Committee on Merchant Marine and Fisheries.
February 5, 1943	House Committee reported without amendment. House Report 106. Print of the bill as reported.
February 15, 1943	Discussed in House and passed over.
March 15, 1943	Discussed and passed House without amendment.
March 16, 1943	Print of the bill as referred to the Senate Committee on Commerce.
May 24, 1943	Senate Committee on Commerce reported without amendment. Senate Report 262. Print of the bill as reported.
June 15, 1943	Discussed and passed the Senate.
June 23, 1943	Approved. Public Law 87.



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78TH CONGRESS
1ST SESSION

H. R. 131

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1943

Mr. BLAND introduced the following bill; which was referred to the Committee on the Merchant Marine and Fisheries:

A BILL

To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That when used in this Act the term "service in the merchant
4 marine" means service as an officer or member of the crew
5 on or in connection with a vessel documented under the laws
6 of the United States or a vessel owned by, chartered to, or
7 operated by or for the account or use of the Administrator,
8 as an enrollee in the United States Maritime Service on
9 active duty, and, to such extent as the Administrator shall

1 prescribe, any period awaiting assignment to such service and
2 any period of education or training for such service in any
3 school or institution under the jurisdiction of the Adminis-
4 trator. Any person entering service in the merchant marine
5 after May 1, 1940, and before the termination of the un-
6 limited national emergency declared by the President on
7 May 27, 1941, who, in accordance with rules and regulations
8 prescribed by the Administrator, War Shipping Administra-
9 tion completes a period of substantially continuous service
10 in the merchant marine, shall be entitled to a certificate to
11 that effect from the Administrator upon completion of such
12 period, which shall include a record of any special proficiency
13 or merit obtained.

14 SEC. 2. (a) In the case of any such person who, in order
15 to perform service in the merchant marine, has left or leaves
16 a position, other than a temporary position, in the employ of
17 any employer and who (1) receives such certificate, (2) is
18 still qualified to perform the duties of such position, and (3)
19 makes application for reemployment within forty days after
20 completion of such service—

21 (A) if such position was in the employ of the
22 United States Government, its Territories or possessions,
23 or the District of Columbia, such person shall be restored
24 to such position or to a position of like seniority, status,
25 and pay;

1 (B) if such position was in the employ of a private
2 employer, such employer shall restore such person to
3 such position or to a position of like seniority, status, and
4 pay unless the employer's circumstances have so changed
5 as to make it impossible or unreasonable to do so;

6 (C) if such position was in the employ of any State
7 or political subdivision thereof, it is hereby declared to
8 be the sense of the Congress that such person should be
9 restored to such position or to a position of like seniority,
10 status, and pay.

11 (b) Any person who is restored to a position in accord-
12 ance with the provisions of paragraph (A) or (B) of sub-
13 section (a) shall be considered as having been on furlough
14 or leave of absence during his period of service, shall be so
15 restored without loss of seniority, shall be entitled to par-
16 ticipate in insurance or other benefits offered by the employer
17 pursuant to established rules and practices relating to em-
18 ployees on furlough or leave of absence in effect with the em-
19 ployer at the time such person entered such service, and shall
20 not be discharged from such position without reasonable
21 cause within one year after such restoration.

22 SEC. 3. In case any private employer fails or refuses to
23 comply with the provisions of section 2, the district court of
24 the United States for the district in which such private em-
25 ployer maintains a place of business shall have power, upon

1 the filing of a motion, petition, or other appropriate pleading
2 by the person entitled to the benefits of such provisions, to
3 specifically require such employer to comply with such pro-
4 visions, and, as an incident thereto, to compensate such per-
5 son for any loss of wages or benefits suffered by reason of
6 such employer's unlawful action. The court shall order a
7 speedy hearing in any such case and shall advance it on the
8 calendar. Upon application to the United States district
9 attorney or comparable official for the district in which such
10 private employer maintains a place of business, by any per-
11 son claiming to be entitled to the benefits of such provisions,
12 such United States district attorney or official, if reasonably
13 satisfied that the person so applying is entitled to such bene-
14 fits, shall appear and act as attorney for such person in the
15 amicable adjustment of the claim or in the filing of any mo-
16 tion, petition, or other appropriate pleading and the prosecu-
17 tion thereof to specifically require such employer to comply
18 with such provisions: *Provided*, That no fees or court costs
19 shall be taxed against the person so applying for such
20 benefits.

21 SEC. 4. Employees of the United States Government,
22 its Territories or possessions, or the District of Columbia
23 (including employers of any corporation created under au-
24 thority of an Act of Congress which is either wholly con-
25 trolled or wholly owned by the United States Government, or

1 any corporation, all the stock of which is owned or controlled
2 by the United States Government, or any department, agency,
3 or establishment thereof, whether or not the employees
4 thereof are paid from funds appropriated by Congress), who,
5 subsequent to May 1, 1940, shall have entered upon service
6 in the merchant marine, shall be entitled to receive, in addi-
7 tion to any pay for such service, compensation in their civil-
8 ian positions covering their accumulated or current accrued
9 leave, or to elect to have such leave remain to their credit
10 until their return from such service.

11 SEC. 5. The Administrator, War Shipping Administra-
12 tion, may make such rules and regulations as he deems neces-
13 sary or appropriate to carry out the provisions of this Act.

78TH CONGRESS
1ST Session

H. R. 131

A BILL

To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

By Mr. BLAND

JANUARY 6, 1943

Referred to the Committee on the Merchant Marine and Fisheries

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78TH CONGRESS
1ST SESSION

H. R. 131

[Report No. 106]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1943

Mr. BLAND introduced the following bill; which was referred to the Committee on the Merchant Marine and Fisheries

FEBRUARY 8, 1943

Committed to the Committee of the Whole House on the state of the Union
and ordered to be printed

A BILL

To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That when used in this Act the term "service in the merchant
- 4 marine" means service as an officer or member of the crew
- 5 on or in connection with a vessel documented under the laws
- 6 of the United States or a vessel owned by, chartered to, or
- 7 operated by or for the account or use of the Administrator,
- 8 as an enrollee in the United States Maritime Service on
- 9 active duty, and, to such extent as the Administrator shall

1 prescribe, any period awaiting assignment to such service and
2 any period of education or training for such service in any
3 school or institution under the jurisdiction of the Adminis-
4 trator. Any person entering service in the merchant marine
5 after May 1, 1940, and before the termination of the un-
6 limited national emergency declared by the President on
7 May 27, 1941, who, in accordance with rules and regulations
8 prescribed by the Administrator, War Shipping Administra-
9 tion, completes a period of substantially continuous service
10 in the merchant marine, shall be entitled to a certificate to
11 that effect from the Administrator upon completion of such
12 period, which shall include a record of any special proficiency
13 or merit obtained.

14 SEC. 2. (a) In the case of any such person who, in order
15 to perform service in the merchant marine, has left or leaves
16 a position, other than a temporary position, in the employ of
17 any employer and who (1) receives such certificate, (2) is
18 still qualified to perform the duties of such position, and (3)
19 makes application for reemployment within forty days after
20 completion of such service—

21 (A) if such position was in the employ of the
22 United States Government, its Territories or possessions,
23 or the District of Columbia, such person shall be restored
24 to such position or to a position of like seniority, status,
25 and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(b) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without reasonable cause within one year after such restoration.

SEC. 3. In case any private employer fails or refuses to comply with the provisions of section 2, the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon

1 the filing of a motion, petition, or other appropriate pleading
2 by the person entitled to the benefits of such provisions, to
3 specifically require such employer to comply with such pro-
4 visions, and, as an incident thereto, to compensate such per-
5 son for any loss of wages or benefits suffered by reason of
6 such employer's unlawful action. The court shall order a
7 speedy hearing in any such case and shall advance it on the
8 calendar. Upon application to the United States district
9 attorney or comparable official for the district in which such
10 private employer maintains a place of business, by any per-
11 son claiming to be entitled to the benefits of such provisions,
12 such United States district attorney or official, if reasonably
13 satisfied that the person so applying is entitled to such bene-
14 fits, shall appear and act as attorney for such person in the
15 amicable adjustment of the claim or in the filing of any mo-
16 tion, petition, or other appropriate pleading and the prosecu-
17 tion thereof to specifically require such employer to comply
18 with such provisions: *Provided*, That no fees or court costs
19 shall be taxed against the person so applying for such
20 benefits.

21 SEC. 4. Employees of the United States Government,
22 its Territories or possessions, or the District of Columbia
23 (including employers of any corporation created under au-
24 thority of an Act of Congress which is either wholly con-
25 trolled or wholly owned by the United States Government, or

1 any corporation, all the stock of which is owned or controlled
2 by the United States Government, or any department, agency,
3 or establishment thereof, whether or not the employees
4 thereof are paid from funds appropriated by Congress), who,
5 subsequent to May 1, 1940, shall have entered upon service
6 in the merchant marine, shall be entitled to receive, in addi-
7 tion to any pay for such service, compensation in their civil-
8 ian positions covering their accumulated or current accrued
9 leave, or to elect to have such leave remain to their credit
10 until their return from such service.

11 SEC. 5. The Administrator, War Shipping Administra-
12 tion, may make such rules and regulations as he deems neces-
13 sary or appropriate to carry out the provisions of this Act.

A BILL

To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

By Mr. BLAND

JANUARY 6, 1943

Referred to the Committee on the Merchant Marine and Fisheries

FEBRUARY 8, 1943

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

LEAVES OF ABSENCE TO SERVE IN THE MERCHANT MARINE

FEBRUARY 8, 1943.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. BLAND, from the Committee on the Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H. R. 131]

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 131) to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to provide reemployment rights for persons leaving employment, whether private or Government, to serve in the merchant marine, in accordance with provisions for persons entering the armed forces of the United States.

The present bill is identical with H. R. 7744 as it was ordered reported by the committee, in the Seventy-seventh Congress. It was too near the adjournment of the Seventy-seventh Congress to permit consideration of the legislation by the House.

The bill would provide reemployment rights for persons leaving private or Government employment subsequent to May 1, 1940, and prior to the end of the unlimited national emergency declared by the President on May 27, 1941, to enter upon service in the merchant marine. Service in the merchant marine includes service of officers and seamen on United States documented vessels or vessels owned, chartered, or operated by or for the War Shipping Administration, and service as a trainee or an administrative employee in the United States Maritime Service on active duty, and, as prescribed by the Administrator, periods of awaiting assignment to service or periods of training.

It is provided that any such person who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, completes a period of continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator, upon completion of such period, which shall include a record of any special proficiency or merit obtained. If such person in order to perform service in the merchant marine has left, or leaves a position, other than a temporary position, in the employ of any employer, and if such person receives the certificate mentioned above, and if he is still qualified to perform the duties of such position, he may make application for reemployment within 40 days after completion of his service. If such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay; if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so; or if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

Provision is made whereby the person's seniority rights and insurance or other benefits are protected, and such person is protected from discharge from such position without reasonable cause within 1 year after such restoration.

Section 3 provides a method for enforcing the reemployment rights and other benefits to persons who leave private employment to enter service in the merchant marine similar to that afforded men who enter the armed forces of the United States.

Section 4 provides that men leaving Government positions shall be entitled to any compensation from their civilian positions covering their accumulated or current leave in addition to any pay which they might receive for service in the merchant marine.

Section 5 provides that the Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of the act.

The bill substantially conforms to the revision submitted by the Administrator, War Shipping Administration, in his report on the predecessor bill, H. R. 7744. For the information of the Members of the House, the report mentioned, as well as the report of the Civil Service Commission, are appended below.

WAR SHIPPING ADMINISTRATION,
Washington, December 2, 1942.

HON. S. O. BLAND,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR JUDGE BLAND: You have requested the views of the Maritime Commission with respect to H. R. 7744, a bill to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

The views submitted are those of the War Shipping Administration inasmuch as functions of the Maritime Commission relating to seamen are under the jurisdiction of the War Shipping Administration for the war period under Executive Order No. 9054.

The purpose of the bill is to provide reemployment rights for Government employees who leave their positions during the present war in order to serve in the merchant marine. The Administration is in accord with the general purpose of the bill. It believes, however, that the bill should be amended in order to provide reemployment rights for persons leaving employment, whether private or Government, to serve in the merchant marine, in accord with provisions for persons entering the armed forces of the United States. The War Shipping Administration submits for consideration a draft of amendments in the nature of a substitute text to carry out this objective. The details of the bill will be discussed in connection with an explanation of the suggested amendments.

The substitute text would provide reemployment rights for persons leaving private or Government employment subsequent to May 1, 1940, and prior to the end of the unlimited national emergency declared by the President on May 27, 1941, to enter upon service in the merchant marine. The coverage of the bill is limited to Government employees who leave or have left their positions during the present war. It is the opinion of the War Shipping Administration that employees in private industry should be afforded the same protection in this matter as Government employees. Moreover, to cover only employees who have left during the present war is an unrealistic attitude with regard to service in the merchant marine prior to December 7, 1941, and favors one group of persons in a manner not warranted by the circumstances. Those who entered service prior to the outbreak of actual war have performed and are continuing to perform the same unselfish service for their country as those who joined after the outbreak.

The bill would not apply to persons leaving Government positions to take training for, or to enter upon service in, the merchant marine but who for one reason or another may not serve aboard any vessel. The War Shipping Administration operates or has under its jurisdiction an extensive system of schools designed to train men for service in the rapidly expanding merchant marine. These schools are probably the largest source of supply to fill the country's ever-increasing needs for merchant seamen, and it would not be proper, in the opinion of the Administration, to exclude this class from protection of the character provided by the bill. Such failure to include them may also have an adverse effect on the recruitment of personnel for training in the merchant marine.

Service in the merchant marine under the terms of the substitute draft would include service "as an enrollee of the United States Maritime Service on active duty." The Maritime Service was created under authority contained in section 216 of the Merchant Marine Act of 1936, as amended. Its membership is composed of individuals in training for service in the merchant marine and administrative personnel which includes instructors. While those in training would be included under other provisions of the suggested draft the Administration believes that those men serving in the service as administrative personnel should be included. Part of this personnel are members of the Naval Reserve on active duty with the Navy and are therefore entitled to reemployment rights under other statutes. Government employees who leave to enroll in the Maritime Service are, under the terms of Executive orders, granted the reemployment rights afforded employees who transfer from one Government position to another. Thus only those individuals who leave private employment to enter the Maritime Service and who do not enter the Naval Reserve on active duty would receive benefits under the above provision relating to enrollees on active duty. It would be desirable to provide that all personnel in the Maritime Service should have the same reinstatement benefits.

Frequently a seaman, after having completed one voyage, spends several days ashore before he receives and accepts another assignment. The draft would provide that this waiting period may be considered as service in the American merchant marine "to such extent as the Administrator shall prescribe." This provision, the Administrator considers necessary, in view of the provision requiring that a person in order to obtain reinstatement present a certificate issued by the Administrator showing a period of "substantially continuous service." Such waiting periods often occur because of circumstances beyond the control of the seamen and it would be unfair to deny a certificate under such circumstances. At the same time voluntary waiting periods of extended duration should be discouraged. The Administration, therefore, feels that discretion should be left to the Administrator in prescribing the extent to which such waiting periods shall be

deemed service in the American merchant marine, so that under proper circumstances this period may be included by the Administrator in determining whether a person has satisfactorily completed a period of "substantially continuous service" in the American merchant marine.

The provisions of the bill extend only to service on vessels documented under the laws of the United States or under control of the War Shipping Administration. The Administration feels, in order to carry out the objective of the legislation, that service on any vessel operated in furtherance of the war should carry with it any reemployment rights granted to seamen. To recognize in this way the importance to the war of all types of vessels aiding in carrying on necessary commerce during the war will help in recruitment of seamen for the manning of vessels. The language in the suggested draft is designed to include all vessels being operated in furtherance of the war effort of the United States.

The draft of amendments provides that any person entering service in the merchant marine, who satisfactorily completes a period of substantially continuous service, shall be entitled to a certificate to that effect from the Administrator, War Shipping Administration. The receipt of such a certificate is made one of the conditions to reinstatement in the position which the person had left to enter service. Such a provision is desirable in order not to encourage persons to enter either training or service on ships for a short period.

Section 2 of the draft contains provisions covering the reemployment of persons leaving positions with the Government and private industry, and covers the method by which such persons shall be treated with respect to insurance and other benefits. This last provision is similar to section 1 (b) of H. R. 7744.

Section 3 of the draft provides a method for enforcing the reemployment rights and other benefits to persons who leave private employment to enter service in the merchant marine similar to that afforded men who enter the armed forces of the United States.

Section 4 of the draft provides that men leaving Government positions shall be entitled to any compensation from their civilian positions covering their accumulated or current accrued leave in addition to any pay which they might receive for service in the merchant marine.

Section 5 of the draft provides that the Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of the proposed bill.

In the preparation of the suggested draft the Administration has consulted with representatives of the Civil Service Commission and understand they are in agreement therewith.

In view of the fact that hearings have been scheduled on this measure for December 3, 1942, this report is being transmitted to you without the comment of the Director, Bureau of the Budget. His comment will be transmitted to you as soon as it is received. In the meantime, nothing in this report is to be construed as an indication of the relation of the proposed legislation to the program of the President.

Sincerely,

E. S. LAND, *Administrator.*

SUGGESTED REVISION OF H. R. 7744

That when used in this Act the term "service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, as an enrollee in the United States Maritime Service on active duty, and, to such extent as the Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator. Any person entering service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, satisfactorily completes a period of substantially continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator upon completion of such period, which shall include a record of any special proficiency or merit obtained.

SEC. 2. (a) In the case of any such person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position

in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after completion of such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(b) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without cause within 1 year after such restoration.

SEC. 3. In case any private employer fails or refuses to comply with the provisions of section 2, the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

SEC. 4. Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from such service.

SEC. 5. The Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of this Act.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 30, 1942.

HON. S. O. BLAND,
Chairman, Committee on the Merchant Marine and Fisheries,
House of Representatives.

DEAR MR. CHAIRMAN: Further reference is made to your letter of October 31, 1942, requesting a report of the Commission's views regarding H. R. 7744, a bill to provide that employees of the United States, its Territories or possessions, or of the District of Columbia, who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

H. R. 7744 is patterned after the language of section 8 of the Selective Training and Service Act of 1940. If enacted into law it would require that any person who has left the employment of the United States or the District of Columbia to perform services as a seaman upon any vessel of the United States shall, upon his application, be restored to his former employment, or to a position of like seniority, status, and pay.

Inasmuch as seamen on merchant vessels of the United States are performing services vital to the war effort and comparable in danger and importance with that rendered by members of the armed forces, the Commission believes that they should be accorded privileges with respect to employment in the Government similar to those available to members of the armed forces, and therefore recommends favorable consideration of the bill. There have come to the attention of the Commission recently, however, many cases in which persons are leaving Government employment for the purpose of enrolling in various types of training courses conducted under the auspices of the War Shipping Administration in preparation for rendering service as a seaman on merchant vessels of the United States. The Commission therefore believes that the language of the bill should be broadened to include not only Government employees who leave their positions to perform service as seamen on board vessels, but also those who leave Government positions to enroll in such training courses.

The provisions of H. R. 7744 have been discussed informally with officials of the War Shipping Administration, and it is understood that the Administration will submit for consideration a revision of the bill so drawn as to include not only Government employees who enroll in training courses but also persons who leave private employment for the same purpose.

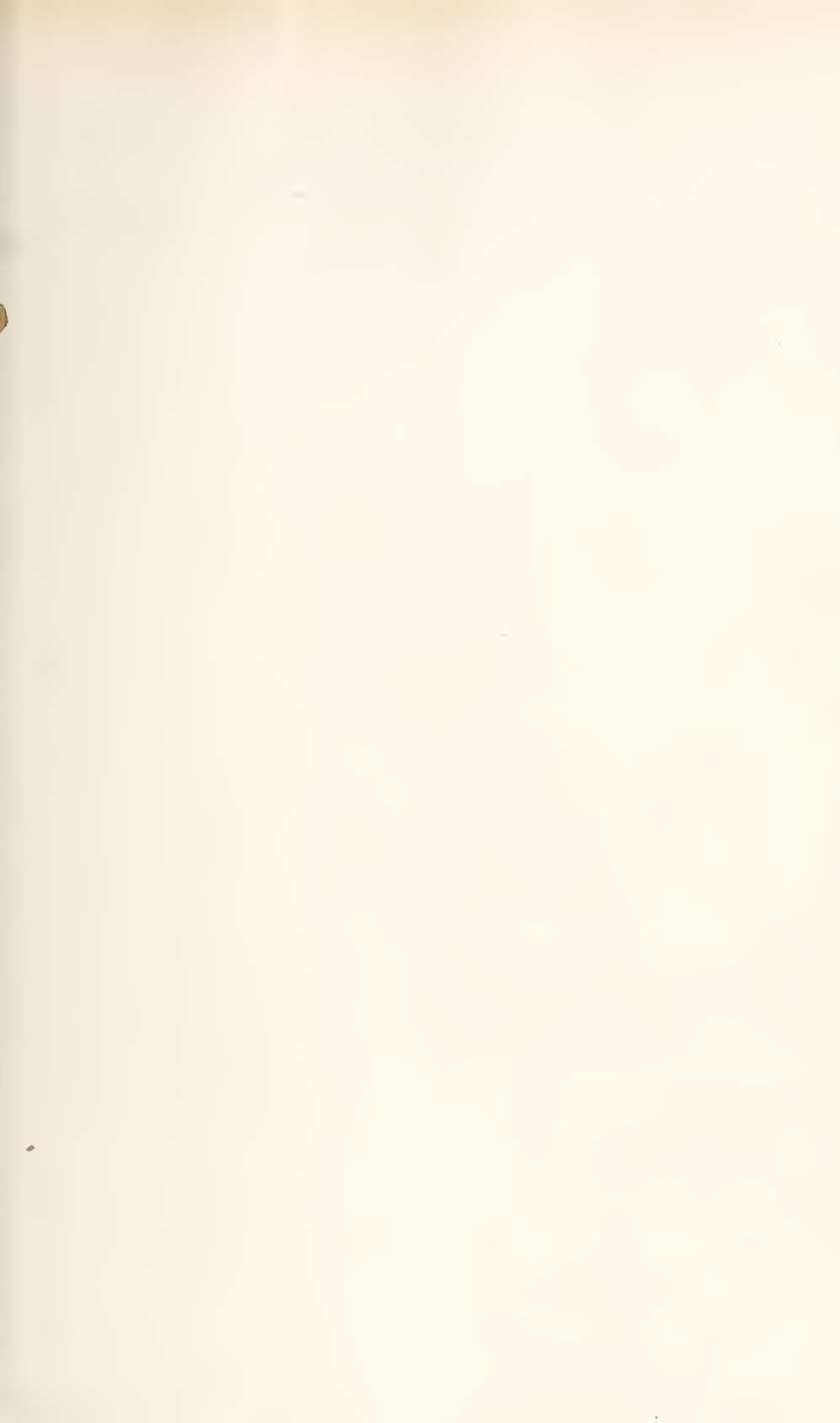
The Commission has not ascertained from the Bureau of the Budget whether this bill would be in accord with the program of the President.

By direction of the Commission.

Sincerely yours,

HARRY B. MITCHELL, *President.*





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COLUMBIA BASIN PROJECT

The Clerk called the next bill, H. R. 839, to amend the act approved May 27, 1937 (ch. 269, 50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project, and substitute and additional authority related to the settlement and development of the project, and for other purposes.

Mr. KEAN. Mr. Speaker, I understand a rule has been granted on this bill. For that reason only, I object to its consideration at this time.

REEMPLOYMENT RIGHTS FOR PERSONS IN THE MERCHANT MARINE

The Clerk called the next bill, H. R. 131, to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

Mr. KEAN. Reserving the right to object, Mr. Speaker, this bill gives persons serving in the merchant marine the same reemployment rights that are given to members of the Army and the Navy, but restricted to May 1, 1940. I yield to no one in my admiration for the splendid work being done by the members of the merchant marine, but the situation in this case is different from that in the case of the Army and Navy. The men in the merchant marine receive high pay. Certainly, to the majority of those who enlisted in May 1940, the pay question was an important factor. I realize that today enlistments in the merchant marine are motivated largely by patriotism, but this was not the case in May 1940. I should think it would be better if this is made applicable only after Pearl Harbor.

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. KEAN. I yield to the gentleman from Georgia.

Mr. RAMSPECK. In the absence of the distinguished chairman of the Merchant Marine Committee, may I point out to the gentleman that every argument he has made against this bill is equally applicable to the other legislation Congress has passed for citizens going into the armed services.

Mr. KEAN. Certainly not, because the men in the armed services receive small pay, while in the merchant marine they receive very high pay.

Mr. RAMSPECK. It is true, of course, that they get more pay in the merchant marine than they do in the armed services, but they do not get a lot of the protection that is given to the men in the armed services. I do not mean to do anything but praise the men who go into the armed services, but these men go voluntarily into the merchant marine, we do not draft them. Certainly it is not so much to give them the right of reemployment which we have given to the civilian employees of the Government and to employees from private industry who have gone into the armed services. These men have lost a larger proportion of those who served than any other branch of our activities connected with this war.

Mr. KEAN. I would certainly be glad to support the bill if the date were changed to December 7, 1941.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield so that I may ask a question of my colleague the gentleman from Georgia?

Mr. KEAN. I yield to the gentleman from Pennsylvania.

Mr. VAN ZANDT. Is it not true that the War Shipping Board or the Maritime Service, should I say, is conducting a recruiting campaign to attract the attention of the young men of the country on the same basis as the recruiting campaigns being carried on by the Army and Navy?

Mr. RAMSPECK. That is correct. There is nothing more vital to our war effort than the manning of a cargo ship. We cannot fight unless we can send supplies. I hope the gentleman from New Jersey will not object to the consideration of this bill. We are not trying to give these men anything we have not given to others. As I recall, the date in the bill is the same as in other legislation passed for similar services.

Mr. KEAN. If the gentleman will not accept an amendment, Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WAR SHIPPING ADMINISTRATION

The Clerk called the next bill, H. R. 133, to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes.

Mr. KEAN. Reserving the right to object, Mr. Speaker, this is a very complicated bill. Will the gentleman from Georgia give an explanation of the bill to the House?

Mr. RAMSPECK. May I say to the gentleman from New Jersey that this bill was reported in the last Congress and passed the House in almost the identical form in which it is presented here. It has a great many provisions in it which are wanted by the War Shipping Administration. It has a few changes, none of any great importance, which were made to conform with amendments presented in the Senate during the last session. The bill did not pass the Senate. We have not included in the bill, however, one controversial amendment which the Senate put in its bill, an amendment dealing with section 902 of the Merchant Marine Act, which has to do with the enhancement clause of the Merchant Marine Act. That was left out because we did not want anything controversial in this bill.

This bill deals with seamen's benefits, with insurance protection for seamen and their dependents, with the procedure of the requisition of vessels but not the payment of the price under section 902, and with the insurance administration, and coverage of vessels, and it contains some miscellaneous provisions.

I may say to the gentleman that I am not so familiar with the bill as the chairman of the committee would be if he could be here, but I can assure him that the bill passed the House once without any question and has been reported in

the Senate with the provisions in the bill which are now presented.

Mr. KEAN. This is a unanimous report?

Mr. RAMSPECK. It is.

Mr. KEAN. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That (a) officers and members of crews (hereinafter referred to as "seamen") employed on United States or foreign-flag vessels as employees of the United States through the War Shipping Administration shall, with respect to (1) laws administered by the Public Health Service and the Social Security Act, as amended by subsection (b) (2) and (3) of this section; (2) death, injuries, illness, maintenance and cure, loss of effects, detention, or repatriation, or claims arising therefrom not covered by the foregoing clause (1); and (3) collection of wages and bonuses and making of allotments, have all of the rights, benefits, exemptions, privileges, and liabilities, under law applicable to citizens of the United States employed as seamen on privately owned and operated American vessels. Such seamen, because of the temporary wartime character of their employment by the War Shipping Administration, shall not be considered as officers or employees of the United States for the purposes of the United States Employees Compensation Act, as amended; the Civil Service Retirement Act, as amended; the act of Congress approved March 7, 1942 (Public Law 490, 77th Cong.); or the act entitled "An act to provide benefits for the injury, disability, death, or detention of employees of contractors with the United States and certain other persons or reimbursement therefor", approved December 2, 1942 (Public Law 784, 77th Cong.). Claims arising under clause (1) hereof shall be enforced in the same manner as such claims would be enforced if the seaman were employed on a privately owned and operated American vessel. Any claim referred to in clause (2) or (3) hereof shall, if administratively disallowed in whole or in part, be enforced pursuant to the provisions of the Suits in Admiralty Act, notwithstanding the vessel on which the seaman is employed is not a merchant vessel within the meaning of such act. Any claim, right, or cause of action of or in respect of any such seaman accruing on or after October 1, 1941, and prior to the date of enactment of this section may be enforced, and upon the election of the seaman or his surviving dependent or beneficiary, or his legal representative to do so shall be governed, as if this section had been in effect when such claim, right, or cause of action accrued, such election to be made in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration. Rights of any seaman under the Social Security Act, as amended by subsection (b) (2) and (3), and claims therefor shall be governed solely by the provisions of such act, so amended. When used in this subsection the term "administratively disallowed" means a denial of a written claim in accordance with rules or regulations prescribed by the Administrator, War Shipping Administration. When used in this subsection the terms "War Shipping Administration" and "Administrator, War Shipping Administration" shall be deemed to include the United States Maritime Commission with respect to the period beginning October 1, 1941, and ending February 11, 1942, and the term "seaman" shall be deemed to include any seaman employed as an employee of the United States through the War Shipping Administration on vessels made

available to or subchartered to other agencies or departments of the United States.

(b) (1) Section 1426 of the Internal Revenue Code (53 Stat. 177, 1383; 26 U. S. C. 1426) is amended by adding at the end thereof the following new subsection:

"(i) Officers and members of crews employed by War Shipping Administration.—The term 'employment' shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941, on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration, or, in respect of such service performed before February 11, 1942, the United States Maritime Commission. The term 'wages' means, with respect to service which constitutes employment by reason of this subsection, such amount of remuneration as is determined (subject to the provisions of this section) by the Administrator, War Shipping Administration, to be paid for such service. The Administrator and such agents as he may designate for the purpose are authorized and directed to comply with the provisions of the internal revenue laws on behalf of the United States as the employer of individuals whose service constitutes employment by reason of this subsection, but the Administrator and his agents shall not be liable for the tax on any employee imposed by section 1400 (unless the Administrator or his agent collects such tax from the employee) with respect to service performed before the date of enactment of this subsection which constitutes employment by reason of the enactment of this subsection."

(2) Section 209 of the Social Security Act, as amended (U. S. C., title 42, sec. 409), is amended by adding at the end thereof the following new subsection:

"(o) (1) Officers and members of crews employed by War Shipping Administration: The term 'employment' shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941, on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration or, in respect of such service performed before February 11, 1942, the United States Maritime Commission.

"(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

"(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

"(4) This subsection shall be effective as of September 30, 1941."

(3) Section 907 of the Social Security Act, amendments of 1939, is amended by inserting, after the phrase "attaining age 65", the following: "and 1 percent of any wages paid him for services which constitute employ-

ment by virtue of subsection (o) of section 209 of the Social Security Act, as amended."

(c) The War Shipping Administration and its agents or persons acting on its behalf or for its account may, for convenience of administration, with the approval of the Administrator, make payments of any taxes, fees, charges, or exactions to the United States or its agencies.

SEC. 2. (a) Section 222 (f) of Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended (Public Law 523, 77th Cong.), is amended by inserting before the period at the end thereof a semicolon and the following: "and, whenever the Commission shall insure any risks included under subsection (d) or (e) of this section, or under this subsection insofar as it concerns liabilities relating to the master, officers, and crews of such vessels or to other persons transported thereon, the insurance on such risks may include marine risks to the extent that the Commission determines to be necessary or advisable."

(b) Whenever the Administrator, War Shipping Administration, finds that, on or after October 1, 1941, and before 30 days after the date of enactment of this subsection, a master, officer, or member of the crew of, or any persons transported on, a vessel owned by or chartered to the Maritime Commission or the War Shipping Administration or operated by, or for the account of, or at the direction or under the control of the Commission or the Administration, has suffered death, injury, detention, or other casualty, for which the War Shipping Administration would be authorized to provide insurance under Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended by this act, the Administrator may declare that such death, injury, detention, or other casualty, shall be deemed and considered to be covered by such insurance at the time of the disaster or accident, if the Administrator finds that such action is required to make equitable provision for loss or injury related to the war effort and not otherwise adequately provided for: *Provided*, That in making provision for insurance under this subsection the Administrator shall not provide for payments in excess of those generally provided for in comparable cases under insurance hereafter furnished under the said Subtitle—Insurance of Title II, as amended: *Provided further*, That any money paid to any person by reason of insurance provided for under this subsection shall apply in pro tanto satisfaction of the claim of such person against the United States arising from the same loss or injury. The declarations, findings, and actions of or by the Administrator under this subsection shall be final and conclusive.

SEC. 3. (a) The second proviso of section 1 of the act of June 6, 1941 (Public Law 101, 77th Cong.), as amended, is hereby amended to read as follows: "*Provided further*, That such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisitioning or taking of title or possession; the holder of any such claim may commence prior to June 30, 1943, or within 6 months after the first such deposit with the Treasurer and publication of notice thereof in the Federal Register, whichever date is later, and maintain in the United States district court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall

proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties, and any decree in said suit shall be paid out of the first and all subsequent deposits of compensation; and such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction."

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States or the payment or deposit of 75 percent, or just compensation therefor that the ownership of any vessel (the title to which has been requisitioned pursuant to sec. 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, 77th Cong.)), is not required by the United States and after such determination has been made and notice thereof has been published in the Federal Register, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel owned by citizens of the United States after the expiration of a period of 2 months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. Upon the written recommendation of the Secretary of State, such a determination may be made by the Administrator, War Shipping Administration, with respect to any vessel, the title to which has been requisitioned pursuant to the act of June 6, 1941 (Public Law 101, 77th Cong.), which shall have been lost or destroyed or converted to naval or military use by the United States.

(c) In the event that a vessel the title to use and possession of which is requisitioned or taken pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, 77th Cong.), is in the custody of any court, State or Federal, it shall be the duty of all agents and officers of the court having possession, custody, or control of said vessel, forthwith upon the filing with the clerk of said court of a certified copy of the order of requisitioning or taking, and without further order of the court, to comply with said requisitioning or taking and to permit the representative of the United States Maritime Commission or the War Shipping Administration, as the case may be, to take possession, custody, and control of said vessel.

(d) Section 902 of the Merchant Marine Act, 1936, as amended, is hereby amended by adding at the end of subsection (d) there a paragraph to read as follows:

"The existence of any valid claim by way of mortgage or maritime claim or attachment lien upon such vessel shall not prevent the taking thereof pursuant to this section: *Provided, however*, That in the event any such claim exists the United States Maritime Commission may in its discretion deposit such portion of the compensation hereunder, advances on account thereof, as may equitably but not exceed the amount of such claims in respect of the vessel, with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting

that I be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection? There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent that after the disposition of the business on the Speaker's table the legislative business of the day may be permitted to address the House for 15 minutes on next Thursday.

The SPEAKER. Is there objection? There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent that on next Wednesday my colleague the gentleman from Ohio [Mr. Brown] may address the House for 30 minutes after the disposition of the business on the Speaker's desk.

The SPEAKER. Is there objection? There was no objection.

EXTENSION OF REMARKS

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter from Mr. C. C. Caswell, business manager of the Clarinda Publishing Co., on the question of pay-as-you-go income.

The SPEAKER. Is there objection? There was no objection.

The matter referred to appears in the Appendix.]

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Poulson], the gentleman from California [Mr. King], and I may be permitted to extend our remarks in the RECORD on the death of Joe Ammons of Los Angeles.

The SPEAKER. Is there objection? There was no objection.

The matters referred to appear in the Appendix.]

Mr. GRANT of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks and include a column written by David Lawrence.

The SPEAKER. Is there objection? There was no objection.

The matter referred to will appear hereafter in the Appendix.]

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial and some short statements made on the subject of the contribution made by athletics to the training for the war program.

The SPEAKER. Is there objection? There was no objection.

The matter referred to appears in the Appendix.]

MISSION TO ADDRESS THE HOUSE

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection? There was no objection.

ECONOMIC PLANNING

Mr. DIRKSEN. Mr. Speaker, when the Independent Offices Subcommittee voted the appropriation for the National Resources Planning Board, the

President commented on that action as approved by the House and in a press conference March 12 he said:

The burden and responsibility for the continued planning rests entirely with the Congress and nowhere else.

One of the purposes of the House was to bring that responsibility here. It was one of the factors that entered into our action. The Senate of the United States has met that challenge and on the 12th of March passed Senate Resolution 102 which provides for setting up a 10-man committee for going into this matter of formulating plans and leaving the responsibility for the post-war economic planning for the Congress from whence funds must be derived. It is imperative that the House do likewise and I sincerely hope that at a very early date a committee of like character will be created by this body to go into the same problem. It was my hope that perhaps it could be done jointly and with that in mind, on January 6 I introduced House Concurrent Resolution No. 2, to create a joint committee. But no matter what the approach with the new security program in the lap of Congress and with the President stating that the responsibility is nowhere else than in the Congress, it is necessary now for us to meet the challenge.

JUDGE HARDY

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD, with reference to the services of the late Judge Hardy, a former Member of the House, and that my remarks follow immediately after those of the gentleman from Texas [Mr. LUTHER A. JOHNSON].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WENDELL L. WILLKIE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WENDELL L. WILLKIE AND THE REPUBLICAN "FOUR FREEDOMS"

Mr. RANKIN. Mr. Speaker, last week while Wendell L. Willkie, the general counsel for the Communist Party, was arguing before the Supreme Court that a man should not be denied citizenship in the United States because he belonged to an organization that is dedicated to the overthrow of this Government, Mr. Harrison D. Spangler, the chairman of the Republican National Committee was announcing his "four freedoms." Two of them were "freedom from crystal gazers" and "freedom from confusion."

To run Wendell L. Willkie on a platform of that kind, to use the words of Brann, the great iconoclast, would be just about as exciting as drinking bevo at a beer party or playing poker with Confederate money.

EXTENSION OF REMARKS

Mr. WORLEY. Mr. Speaker, I ask unanimous consent to extend my re-

marks and to include a letter received from a constituent.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. BLAND. Mr. Speaker, I ask unanimous consent, as one who served with the late Judge Hardy on the Committee on the Merchant Marine and Fisheries while he was a Member of the House, that I be permitted to extend my remarks in the RECORD on the life and services of Judge Hardy to follow the remarks of the gentleman from Mississippi [Mr. RANKIN].

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks on the late Judge Hardy, and that my remarks follow immediately after the remarks of the gentleman from Texas.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

TRAINING OF NONFARM YOUTH FOR FARM LABOR

The Clerk called the first bill on the Consent Calendar, House Joint Resolution 75, to provide for the training of nonfarm youth for farm labor, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill sets up a program for training of nonfarm workers for the purpose of working on the farms. I understand that the Appropriations Committee has just taken action on a program to accomplish the same purpose, and with that understanding I ask that the bill be passed without prejudice.

Mr. FULMER. Will the gentleman yield?

Mr. COLE of New York. I yield.

Mr. FULMER. I would like to state that the Appropriations Committee did take action by cutting the appropriation down to a very small amount and turning over all that work to the Extension Service.

You will see from the report on this bill that it has been amended to provide an appropriation of \$2,500,000 and that it places the responsibility on the 4-H Clubs and others to get boys and girls in the small adjoining villages and cities out onto the farms to get the farms in operation, whereas under the Extension

sion Service I do not believe this type of service could be developed.

Mr. COLE of New York. My purpose in raising the question was only to protect the interests of the Appropriations Committee. I should like to hear some member of the Appropriations Committee give his opinion as to whether or not this bill should pass.

Mr. FULMER. That applies only to the Extension Service, and naturally that is a limited farm agency; whereas the 4-H Clubs and these other activities would get the boys and girls out into the farm work. I should be very glad to accept the gentleman's amendment.

The SPEAKER. Is there objection to the request of the gentleman from New York that the bill be passed over without prejudice?

There was no objection.

LEAVES OF ABSENCE TO SERVE IN THE MERCHANT MARINE

The Clerk called the next bill, H. R. 131, to provide reemployment rights to persons who leave their positions to serve in the merchant marine, and for other purposes.

Mr. KEAN. Mr. Speaker, reserving the right to object, when this bill first came up I asked to have it passed over because I felt that the date of Pearl Harbor would better indicate the date since which men who enlisted in the merchant marine did so for patriotic reasons only. The War Shipping Board, however, feels that the date of May 1, 1940, in this bill, would be best for the morale of our merchant marine. Inasmuch as there is the possibility that the passage now of this legislation may aid in winning the war, I withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That when used in this act the term "service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, as an enrollee in the United States Maritime Service on active duty, and, to such extent as the Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator. Any person entering service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, completes a period of substantially continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator upon completion of such period, which shall include a record of any special proficiency or merit obtained.

SEC. 2. (a) In the case of any such person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within 40 days after completion of such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(b) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without reasonable cause within 1 year after such restoration.

SEC. 3. In case any private employer fails or refuses to comply with the provisions of section 2, the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

SEC. 4. Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employers of any corporation created under authority of an act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who, subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from such service.

SEC. 5. The Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISABILITY RATINGS OF WORLD WAR VETERANS

The Clerk called the next bill, H. R. 799, to make temporary disability ratings of World War veterans permanent after 10 years.

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill makes permanent the temporary disability ratings of veterans of World War No. 1.

The Veterans' Administration has stated that it is not possible to arrive at any reasonably accurate estimate of the cost of the measure. The Veterans' Administration, further, does not recommend the bill. On these grounds, asked unanimous consent that the bill go over without prejudice; when the bill was called on the Consent Calendar weeks ago and was forced to object to the bill because the gentleman from Mississippi objected to my request that it go over.

I renew my request that the bill go over without prejudice at this time.

Mr. RANKIN. Mr. Speaker, reserving the right to object, let me say to the gentleman from New York [Mr. COLE] that these disability ratings have gone on now for 10 years; it does not affect anything that has not existed for 10 years. I submit that it costs more to keep people on the pay rolls of the Veterans' Administration to go through all these records and keep these veterans on pins who have been declared disabled for 10 years, than it would to go ahead and pass this bill and give these men a permanent rating and at the same time cut down the expense of administration and relieve their anxiety.

Mr. ROBSION of Kentucky and Mr. VAN ZANDT rose.

Mr. RANKIN. I yield first to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Is it not also true that it involves an expense to the soldiers in traveling to various points to be examined? And is it not generally admitted that this bill will save money to the Treasury of the United States?

Mr. RANKIN. Absolutely.

Mr. ROBSION of Kentucky. And relieve the veterans of this uneasiness.

Mr. RANKIN. Yes; absolutely.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. VAN ZANDT. Is it not true that the disabilities from which these men suffer are service-connected disabilities?

Mr. RANKIN. Yes; these are disabilities incurred by these men in the last World War which has been over now for more than 24 years.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. MURDOCK. There are a great many ex-servicemen in my State. From what I hear from them and from those interested in the ex-servicemen, I feel that the gentleman is absolutely correct in his position on this measure. I favor

78TH CONGRESS
1ST SESSION

H. R. 131

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, MARCH 9), 1943

Read twice and referred to the Committee on Commerce

AN ACT

To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That when used in this Act the term "service in the merchant
4 marine" means service as an officer or member of the crew
5 on or in connection with a vessel documented under the laws
6 of the United States or a vessel owned by, chartered to, or
7 operated by or for the account or use of the Administrator,
8 as an enrollee in the United States Maritime Service on
9 active duty, and, to such extent as the Administrator shall
10 prescribe, any period awaiting assignment to such service and

1 any period of education or training for such service in any
2 school or institution under the jurisdiction of the Adminis-
3 trator. Any person entering service in the merchant marine
4 after May 1, 1940, and before the termination of the un-
5 limited national emergency declared by the President on
6 May 27, 1941, who, in accordance with rules and regulations
7 prescribed by the Administrator, War Shipping Administra-
8 tion, completes a period of substantially continuous service
9 in the merchant marine, shall be entitled to a certificate to
10 that effect from the Administrator upon completion of such
11 period, which shall include a record of any special proficiency
12 or merit obtained.

13 SEC. 2. (a) In the case of any such person who, in order
14 to perform service in the merchant marine, has left or leaves
15 a position, other than a temporary position, in the employ of
16 any employer and who (1) receives such certificate, (2) is
17 still qualified to perform the duties of such position, and (3)
18 makes application for reemployment within forty days after
19 completion of such service—

20 (A) if such position was in the employ of the
21 United States Government, its Territories or possessions,
22 or the District of Columbia, such person shall be restored
23 to such position or to a position of like seniority, status,
24 and pay;

25 (B) if such position was in the employ of a private

1 employer, such employer shall restore such person to
2 such position or to a position of like seniority, status, and
3 pay unless the employer's circumstances have so changed
4 as to make it impossible or unreasonable to do so;

5 (C) if such position was in the employ of any State
6 or political subdivision thereof, it is hereby declared to
7 be the sense of the Congress that such person should be
8 restored to such position or to a position of like seniority,
9 status, and pay.

10 (b) Any person who is restored to a position in accord-
11 ance with the provisions of paragraph (A) or (B) of sub-
12 section (a) shall be considered as having been on furlough
13 or leave of absence during his period of service, shall be so
14 restored without loss of seniority, shall be entitled to par-
15 ticipate in insurance or other benefits offered by the employer
16 pursuant to established rules and practices relating to em-
17 ployees on furlough or leave of absence in effect with the em-
18 ployer at the time such person entered such service, and shall
19 not be discharged from such position without reasonable
20 cause within one year after such restoration.

21 SEC. 3. In case any private employer fails or refuses to
22 comply with the provisions of section 2, the district court of
23 the United States for the district in which such private em-
24 ployer maintains a place of business shall have power, upon
25 the filing of a motion, petition, or other appropriate pleading

1 by the person entitled to the benefits of such provisions, to
2 specifically require such employer to comply with such pro-
3 visions, and, as an incident thereto, to compensate such per-
4 son for any loss of wages or benefits suffered by reason of
5 such employer's unlawful action. The court shall order a
6 speedy hearing in any such case and shall advance it on the
7 calendar. Upon application to the United States district
8 attorney or comparable official for the district in which such
9 private employer maintains a place of business, by any per-
10 son claiming to be entitled to the benefits of such provisions,
11 such United States district attorney or official, if reasonably
12 satisfied that the person so applying is entitled to such bene-
13 fits, shall appear and act as attorney for such person in the
14 amicable adjustment of the claim or in the filing of any mo-
15 tion, petition, or other appropriate pleading and the prosecu-
16 tion thereof to specifically require such employer to comply
17 with such provisions: *Provided*, That no fees or court costs
18 shall be taxed against the person so applying for such
19 benefits.

20 SEC. 4. Employees of the United States Government,
21 its Territories or possessions, or the District of Columbia
22 (including employers of any corporation created under au-
23 thority of an Act of Congress which is either wholly con-
24 trolled or wholly owned by the United States Government, or
25 any corporation, all the stock of which is owned or controlled

1 by the United States Government, or any department,
2 agency, or establishment thereof, whether or not the em-
3 ployees thereof are paid from funds appropriated by Con-
4 gress), who, subsequent to May 1, 1940, shall have entered
5 upon service in the merchant marine, shall be entitled to
6 receive, in addition to any pay for such service, compensation
7 in their civilian positions covering their accumulated or
8 current accrued leave, or to elect to have such leave remain
9 to their credit until their return from such service.

10 SEC. 5. The Administrator, War Shipping Administra-
11 tion, may make such rules and regulations as he deems neces-
12 sary or appropriate to carry out the provisions of this Act.

Passed the House of Representatives March 15, 1943.

Attest:

SOUTH TRIMBLE,

Clerk.

78TH CONGRESS
1ST Session

H. R. 131

AN ACT

To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

March 16 (legislative day, March 9), 1943

Read twice and referred to the Committee on Commerce

Calendar No. 267

78TH CONGRESS
1ST SESSION

H. R. 131

[Report No. 262]

IN THE SENATE OF THE UNITED STATES

MARCH 16 (legislative day, MARCH 9), 1943

Read twice and referred to the Committee on Commerce

MAY 24, 1943

Reported by Mr. RADCLIFFE, without amendment

AN ACT

To provide reenployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That when used in this Act the term "service in the merchant
4 marine" means service as an officer or member of the crew
5 on or in connection with a vessel documented under the laws
6 of the United States or a vessel owned by, chartered to, or
7 operated by or for the account or use of the Administrator,
8 as an enrollee in the United States Maritime Service on
9 active duty, and, to such extent as the Administrator shall
10 prescribe, any period awaiting assignment to such service and

1 any period of education or training for such service in any
2 school or institution under the jurisdiction of the Adminis-
3 trator. Any person entering service in the merchant marine
4 after May 1, 1940, and before the termination of the un-
5 limited national emergency declared by the President on
6 May 27, 1941, who, in accordance with rules and regulations
7 prescribed by the Administrator, War Shipping Administra-
8 tion, completes a period of substantially continuous service
9 in the merchant marine, shall be entitled to a certificate to
10 that effect from the Administrator upon completion of such
11 period, which shall include a record of any special proficiency
12 or merit obtained.

13 SEC. 2. (a) In the case of any such person who, in order
14 to perform service in the merchant marine, has left or leaves
15 a position, other than a temporary position, in the employ of
16 any employer and who (1) receives such certificate, (2) is
17 still qualified to perform the duties of such position, and (3)
18 makes application for reemployment within forty days after
19 completion of such service—

20 (A) if such position was in the employ of the
21 United States Government, its Territories or possessions,
22 or the District of Columbia, such person shall be restored
23 to such position or to a position of like seniority, status,
24 and pay;

25 (B) if such position was in the employ of a private

1 employer, such employer shall restore such person to
2 such position or to a position of like seniority, status, and
3 pay unless the employer's circumstances have so changed
4 as to make it impossible or unreasonable to do so;

5 (C) if such position was in the employ of any State
6 or political subdivision thereof, it is hereby declared to
7 be the sense of the Congress that such person should be
8 restored to such position or to a position of like seniority,
9 status, and pay.

10 (b) Any person who is restored to a position in accord-
11 ance with the provisions of paragraph (A) or (B) of sub-
12 section (a) shall be considered as having been on furlough
13 or leave of absence during his period of service, shall be so
14 restored without loss of seniority, shall be entitled to par-
15 ticipate in insurance or other benefits offered by the employer
16 pursuant to established rules and practices relating to em-
17 ployees on furlough or leave of absence in effect with the em-
18 ployer at the time such person entered such service, and shall
19 not be discharged from such position without reasonable
20 cause within one year after such restoration.

21 SEC. 3. In case any private employer fails or refuses to
22 comply with the provisions of section 2, the district court of
23 the United States for the district in which such private em-
24 ployer maintains a place of business shall have power, upon
25 the filing of a motion, petition, or other appropriate pleading

1 by the person entitled to the benefits of such provisions, to
2 specifically require such employer to comply with such pro-
3 visions, and, as an incident thereto, to compensate such per-
4 son for any loss of wages or benefits suffered by reason of
5 such employer's unlawful action. The court shall order a
6 speedy hearing in any such case and shall advance it on the
7 calendar. Upon application to the United States district
8 attorney or comparable official for the district in which such
9 private employer maintains a place of business, by any per-
10 son claiming to be entitled to the benefits of such provisions,
11 such United States district attorney or official, if reasonably
12 satisfied that the person so applying is entitled to such
13 benefits, shall appear and act as attorney for such person
14 in the amicable adjustment of the claim or in the filing of
15 any motion, petition, or other appropriate pleading and the
16 prosecution thereof to specifically require such employer to
17 comply with such provisions: *Provided*, That no fees or
18 court costs shall be taxed against the person so applying
19 for such benefits.

20 SEC. 4. Employees of the United States Government,
21 its Territories or possessions, or the District of Columbia
22 (including employers of any corporation created under
23 authority of an Act of Congress which is either wholly con-
24 trolled or wholly owned by the United States Government, or
25 any corporation, all the stock of which is owned or controlled

1 by the United States Government, or any department,
2 agency, or establishment thereof, whether or not the em-
3 ployees thereof are paid from funds appropriated by Con-
4 gress), who, subsequent to May 1, 1940, shall have entered
5 upon service in the merchant marine, shall be entitled to
6 receive, in addition to any pay for such service, compensation
7 in their civilian positions covering their accumulated or
8 current accrued leave, or to elect to have such leave remain
9 to their credit until their return from such service.

10 SEC. 5. The Administrator, War Shipping Administra-
11 tion, may make such rules and regulations as he deems neces-
12 sary or appropriate to carry out the provisions of this Act.

Passed the House of Representatives March 15, 1943.

Attest:

SOUTH TRIMBLE,

Clerk.

Calendar No. 267

78TH CONGRESS
1ST SESSION

H. R. 131

[Report No. 262]

AN ACT

To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

MARCH 16 (legislative day, MARCH 9), 1943

Read twice and referred to the Committee on Commerce

MAY 24, 1943

Reported without amendment

REEMPLOYMENT UPON TERMINATION OF WARTIME
MERCHANT MARINE SERVICE

MAY 24, 1943.—Ordered to be printed

MR. RADCLIFFE, from the Committee on Commerce, submitted the following

REPORT

[To accompany H. R. 131]

The Committee on Commerce, to whom was referred the bill (H. R. 131) to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to provide, under certain conditions, reemployment rights for persons who leave employment, whether private or Government, to serve in the merchant marine. The bill follows substantially provisions of the law applicable to persons entering the armed forces of the United States (sec. 8, Selective Training and Service Act of 1940, as amended).

Experience has shown that perhaps the most serious obstacle hindering the recruitment of experienced merchant seamen is the failure or inability under existing law of certain employers to grant reemployment rights with full accrued seniority. This is particularly true of thousands of deck officers, engineer officers, able seamen, and qualified members of the engine department, in the employ of well-organized enterprises, public utilities, and public agencies. The same handicap exists in the case of inexperienced men who must be sent to training schools before they can qualify to enter upon positions at sea. There are shortages of available manpower at skilled critical ratings where even short-lived shortages interfere seriously with the war effort. The measure if enacted, will, it is believed, assist greatly in the carrying out of the large training and recruitment program under way to insure operation of the merchant fleet at full efficiency with sufficient manpower.

The bill would apply in cases of persons leaving private or Government employment subsequent to May 1, 1940, and prior to the end of the unlimited national emergency declared by the President on May 27, 1941, to enter upon service in the merchant marine. Service in the merchant marine includes service of officers and seamen on United States documented vessels or vessels owned, chartered, or operated by or for the War Shipping Administration, and service as a trainee or an administrative employee in the United States Maritime Service on active duty, and, as prescribed by the Administrator, periods of awaiting assignment to service or periods of training.

Any such person so serving who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, completes a period of substantially continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator, upon completion of such period, which shall include a record of any special proficiency or merit obtained. If such person in order to perform service in the merchant marine has left, or leaves a position, other than a temporary position, in the employ of any employer, if such person receives the certificate mentioned above, if he is still qualified to perform the duties of such position, and if he makes application for reemployment within 40 days after completion of his service, he will have the following rights: If such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay; if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so; if such position was in the employ of any State or political subdivision thereof, the measure declares it to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

Any person restored to a position in accordance with the provisions above set forth shall be considered as having been on furlough or leave of absence during the period of service in the merchant marine, shall be restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer, in effect at the time of entry into service, and shall not be discharged from such position without reasonable cause within 1 year after restoration to the position.

Provision is made in section 3 of the bill for enforcement of the provisions with respect to reemployment and attendant benefits in the district court of the United States for the district in which the private employer maintains a place of business. Such provision applies only in case of private employment. No fees or court costs may be taxed against the person applying for court relief.

It is provided in section 4 of the bill that persons having left Government positions to enter service in the merchant marine shall be entitled to any compensation from their civilian positions covering their accumulated or current leave in addition to any pay which they might receive for service in the merchant marine. This is the same provision as was made for Government employees who enter military or naval service, by the act of August 1, 1941 (Public Law 202, 77th Cong.).

Section 5 provides that the Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of the measure.

The bill conforms substantially to the revision suggested by the Administrator, War Shipping Administration, in his report on the predecessor bill of the Seventy-seventh Congress, H. R. 7744. This report and the report of the Civil Service Commission are appended. The Director of the Bureau of the Budget has advised that there was no objection to the submission of a favorable report by the War Shipping Administration on the legislation embodied in H. R. 131.

WAR SHIPPING ADMINISTRATION,
Washington, December 2, 1942.

HON. S. O. BLAND,
*Chairman, Committee on the Merchant Marine and Fisheries,
House of Representatives.*

DEAR JUDGE BLAND: You have requested the views of the Maritime Commission with respect to H. R. 7744, a bill to provide that employees of the United States, its Territories or possessions, or of the District of Columbia who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

The views submitted are those of the War Shipping Administration inasmuch as functions of the Maritime Commission relating to seamen are under the jurisdiction of the War Shipping Administration for the war period under Executive Order No. 9054.

The purpose of the bill is to provide reemployment rights for Government employees who leave their positions during the present war in order to serve in the merchant marine. The Administration is in accord with the general purpose of the bill. It believes, however, that the bill should be amended in order to provide reemployment rights for persons leaving employment, whether private or Government, to serve in the merchant marine, in accord with provisions for persons entering the armed forces of the United States. The War Shipping Administration submits for consideration a draft of amendments in the nature of a substitute text to carry out this objective. The details of the bill will be discussed in connection with an explanation of the suggested amendments.

The substitute text would provide reemployment rights for persons leaving private or Government employment subsequent to May 1, 1940, and prior to the end of the unlimited national emergency declared by the President on May 27, 1941, to enter upon service in the merchant marine. The coverage of the bill is limited to Government employees who leave or have left their positions during the present war. It is the opinion of the War Shipping Administration that employees in private industry should be afforded the same protection in this matter as Government employees. Moreover, to cover only employees who have left during the present war is an unrealistic attitude with regard to service in the merchant marine prior to December 7, 1941, and favors one group of persons in a manner not warranted by the circumstances. Those who entered service prior to the outbreak of actual war have performed and are continuing to perform the same unselfish service for their country as those who joined after the outbreak.

The bill would not apply to persons leaving Government positions to take training for, or to enter upon service in, the merchant marine but who for one reason or another may not serve aboard any vessel. The War Shipping Administration operates or has under its jurisdiction an extensive system of schools designed to train men for service in the rapidly expanding merchant marine. These schools are probably the largest source of supply to fill the country's ever-increasing needs for merchant seamen, and it would not be proper, in the opinion of the Administration, to exclude this class from protection of the character provided by the bill. Such failure to include them may also have an adverse effect on the recruitment of personnel for training in the merchant marine.

Service in the merchant marine under the terms of the substitute draft would include service "as an enrollee of the United States Maritime Service on active duty." The Maritime Service was created under authority contained in section

216 of the Merchant Marine Act of 1936, as amended. Its membership is composed of individuals in training for service in the merchant marine and administrative personnel which includes instructors. While those in training would be included under other provisions of the suggested draft the Administration believes that those men serving in the service as administrative personnel should be included. Part of this personnel are members of the Naval Reserve on active duty with the Navy and are therefore entitled to reemployment rights under other statutes. Government employees who leave to enroll in the Maritime Service are, under the terms of Executive orders, granted the reemployment rights afforded employees who transfer from one Government position to another. Thus only those individuals who leave private employment to enter the Maritime Service and who do not enter the Naval Reserve on active duty would receive benefits under the above provision relating to enrollees on active duty. It would be desirable to provide that all personnel in the Maritime Service should have the same reinstatement benefits.

Frequently a seaman, after having completed one voyage, spends several days ashore before he receives and accepts another assignment. The draft would provide that this waiting period may be considered as service in the American merchant marine "to such extent as the Administrator shall prescribe." This provision, the Administrator considers necessary, in view of the provision requiring that a person in order to obtain reinstatement present a certificate issued by the Administrator showing a period of "substantially continuous service." Such waiting periods often occur because of circumstances beyond the control of the seamen and it would be unfair to deny a certificate under such circumstances. At the same time voluntary waiting periods of extended duration should be discouraged. The Administration, therefore, feels that discretion should be left to the Administrator in prescribing the extent to which such waiting periods shall be deemed service in the American merchant marine, so that under proper circumstances this period may be included by the Administrator in determining whether a person has satisfactorily completed a period of "substantially continuous service" in the American merchant marine.

The provisions of the bill extend only to service on vessels documented under the laws of the United States or under control of the War Shipping Administration. The Administration feels, in order to carry out the objective of the legislation, that service on any vessel operated in furtherance of the war should carry with it any reemployment rights granted to seamen. To recognize in this way the importance to the war of all types of vessels aiding in carrying on necessary commerce during the war will help in recruitment of seamen for the manning of vessels. The language in the suggested draft is designed to include all vessels being operated in furtherance of the war effort of the United States.

The draft of amendments provides that any person entering service in the merchant marine, who satisfactorily completes a period of substantially continuous service, shall be entitled to a certificate to that effect from the Administrator, War Shipping Administration. The receipt of such a certificate is made one of the conditions to reinstatement in the position which the person had left to enter service. Such a provision is desirable in order not to encourage persons to enter either training or service on ships for a short period.

Section 2 of the draft contains provisions covering the reemployment of persons leaving positions with the Government and private industry, and covers the method by which such persons shall be treated with respect to insurance and other benefits. This last provision is similar to section 1 (b) of H. R. 7744.

Section 3 of the draft provides a method for enforcing the reemployment rights and other benefits to persons who leave private employment to enter service in the merchant marine similar to that afforded men who enter the armed forces of the United States.

Section 4 of the draft provides that men leaving Government positions shall be entitled to any compensation from their civilian positions covering their accumulated or current accrued leave in addition to any pay which they might receive for service in the merchant marine.

Section 5 of the draft provides that the Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of the proposed bill.

In the preparation of the suggested draft the Administration has consulted with representatives of the Civil Service Commission and understand they are in agreement therewith.

In view of the fact that hearings have been scheduled on this measure for December 3, 1942, this report is being transmitted to you without the comment

of the Director, Bureau of the Budget. His comment will be transmitted to you as soon as it is received. In the meantime, nothing in this report is to be construed as an indication of the relation of the proposed legislation to the program of the President.

Sincerely,

E. S. LAND, *Administrator.*

SUGGESTED REVISION OF H. R. 7744

That when used in this Act the term "service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, as an enrollee in the United States Maritime Service on active duty, and, to such extent as the Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator. Any person entering service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, satisfactorily completes a period of substantially continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator upon completion of such period, which shall include a record of any special proficiency or merit obtained.

SEC. 2. (a) In the case of any such person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after completion of such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(b) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without cause within 1 year after such restoration.

SEC. 3. In case any private employer fails or refuses to comply with the provisions of section 2, the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

SEC. 4. Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from such service.

SEC. 5. The Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of this Act.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., November 30, 1942.

HON. S. O. BLAND,
Chairman, Committee on the Merchant Marine and Fisheries,
House of Representatives.

DEAR MR. CHAIRMAN: Further reference is made to your letter of October 31, 1942, requesting a report of the Commission's views regarding H. R. 7744, a bill to provide that employees of the United States, its Territories or possessions, or of the District of Columbia, who leave their positions to serve in the merchant marine shall be restored to their positions upon the termination of such service.

H. R. 7744 is patterned after the language of section 8 of the Selective Training and Service Act of 1940. If enacted into law it would require that any person who has left the employment of the United States or the District of Columbia to perform services as a seaman upon any vessel of the United States shall, upon his application, be restored to his former employment, or to a position of like seniority, status, and pay.

Inasmuch as seamen on merchant vessels of the United States are performing services vital to the war effort and comparable in danger and importance with that rendered by members of the armed forces, the Commission believes that they should be accorded privileges with respect to employment in the Government similar to those available to members of the armed forces, and therefore recommends favorable consideration of the bill. There have come to the attention of the Commission recently, however, many cases in which persons are leaving Government employment for the purpose of enrolling in various types of training courses conducted under the auspices of the War Shipping Administration in preparation for rendering service as a seaman on merchant vessels of the United States. The Commission therefore believes that the language of the bill should be broadened to include not only Government employees who leave their positions to perform service as seamen on board vessels but also those who leave Government positions to enroll in such training courses.

The provisions of H. R. 7744 have been discussed informally with officials of the War Shipping Administration, and it is understood that the Administration will submit for consideration a revision of the bill so drawn as to include not only Government employees who enroll in training courses but also persons who leave private employment for the same purpose.

The Commission has not ascertained from the Bureau of the Budget whether this bill would be in accord with the program of the President.

By direction of the Commission:

Sincerely yours,

HARRY B. MITCHELL, *President.*



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how much was excessive, and how much was fraudulent. That is all there is to the bill. It would not change the policy or principle of renegotiating. It represents a serious and honest endeavor to reach lobbyists who are making enormous sums of money. If I had the time I would read a list of them.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. WALSH. I yield.

Mr. FERGUSON. Would the bill apply to negotiators of subcontracts as well as of primary contracts?

Mr. WALSH. Under prime contracts, these people can usually be reached. The bill would apply to subcontractors who cannot now be reached. If the renegotiators should decide, as they have in some cases, that the fees were excessive, and should hold back payment by the Government, the situation which the bill seeks to correct might be remedied. That would be in the interest of the contractors, and the contractors favor it. The contractor who might make a contract with an agent could sue the agent if the renegotiators should decide that the fee was excessive and reduce the allowance. The contractor could sue the agent to recover the excess payment, which would otherwise represent a real loss to the contractor.

So far as I know, not a single person is opposed to the bill once he understands it. Of course, there is a great difference of opinion regarding the principle of renegotiation, as to whether or not the act ought to be repealed. I admit that, and I have not closed my mind to their views. But if the law is on the statute books and is now applied to everybody, it certainly ought to be applied to agents who have scandalously received excessive sums of money for using their influence, without labor or effort, in obtaining contracts involving huge fees.

Mr. FERGUSON. Mr. President, will the Senator further yield?

Mr. WALSH. I yield.

Mr. FERGUSON. I wish to make sure that the bill covers all negotiators of contracts for fees, so that it applies to everyone.

Mr. WALSH. It applies to everyone. To repeat, it would be in the interest of the contractor. The negotiators could say, "You paid that agent \$150,000, and you owe him honestly only \$25,000." By the way, the bill applies only to fees of more than \$25,000. The negotiators could say, "You must give that money back. We will not make such an allowance." The contractor could then sue the agent and recover \$125,000.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). The time of the Senator from Massachusetts has expired.

Mr. WALSH. I ask unanimous consent to proceed for 5 minutes more.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Massachusetts may proceed.

Mr. FERGUSON. Mr. President, will the Senator again yield?

Mr. WALSH. I yield.

Mr. FERGUSON. Am I to understand that a commission broker could obtain 10 fees of \$25,000 each on different con-

tracts without being subject to renegotiation?

Mr. WALSH. If he received a large number of fees from different contractors they would all be considered together. The negotiators would ask, "How much did you spend? How many times did you visit the navy yard in Washington? Was it once or 300 times? What were your fees before for other work? How is it you received \$500,000 this year, when never before in your life did you earn more than \$5,000?"

Regardless of the principle of renegotiating, in my opinion the proposal is very meritorious. If the Senator from South Dakota still thinks he should object, I shall have to move later to take up the bill. I thought perhaps my explanation would be sufficient. The bill applies only to persons who have made tremendous sums of money by using their influence, personally and politically, to obtain contracts from our Government.

Mr. GURNEY. Mr. President, my purpose in opposing the passage of this bill on the Unanimous Consent Calendar is, first, that I am concerned as to whether renegotiation is the way to reach these representatives. I am not convinced that renegotiation has been

effective in the case of a large number of primary contracts which have been let by the armed services and the Maritime Commission. I am sure that a bill which covers all types of contracts is sufficiently important to warrant its being gone into thoroughly. Additional information is being received which I hope will make it possible for me to offer an amendment which I think may improve the bill. Therefore, I urge my objection.

Mr. WALSH. Mr. President, before the bill is passed over I wish to have printed in the RECORD as a part of my remarks tables appearing in the committee report on pages 4 and 5 setting forth the names of 40 or more persons or companies, showing the fees they received in 1939, 1940, and 1941.

I wish to emphasize again that the bill does not deal with the principle of renegotiation, whether it is a wise policy or not. It recognizes the fact that there is such a law, and seeks to renegotiate the contracts of representatives or agents who are receiving extortionate and unconscionable fees. That is all the bill does.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Amounts of retainer fees, reimbursements of expenses, salaries, and commissions paid to and due certain manufacturers' agents, 1939-42¹

	1939	1940	1941	1942 ²	
				Received	Due ³
Associated Manufacturers, Inc.			\$17,529.89	\$47,797.19	\$75,073.21
Baker, W. Lester	\$27,957.71	\$81,015.39	184,471.76	\$261,947.00	(⁵)
Belzer, Dana	14,215.00	15,083.00	13,954.00	24,607.00	(⁵)
Booher, Howard	27,688.84	30,200.00	24,750.00	38,175.00	(⁵)
Bradley Co., The	49,221.83	69,881.94	100,688.36	72,765.33	18,575.00
Brady, John B.	17,035.59	16,616.18	67,308.66	104,808.59	10,944.24
Brew, Altieri & Wesely, Inc.			7,634.61	49,332.35	\$64,841.48
Bolton, Luther Mathew	2,175.00	17,194.19	68,784.83	\$123,604.55	\$16,600.00
Brown, Charles E., Jr.	10,354.00	14,022.00	22,170.00	17,936.00	(⁵)
Brown, Lewis H.		2,000.00	20,613.32	20,426.96	(⁵)
Commercial Engineering Co.	13,653.61	19,443.36	33,478.61	42,319.33	141,200.00
Cunneen, F. J.	18,380.00	40,970.00	64,082.00	47,373.00	(⁵)
Davenport, B. A.	2,100.00	2,600.00	10,500.00	22,500.00	(⁵)
DeFord, Allen V., Co.	21,655.13	45,928.63	28,837.92	26,057.46	(⁵)
Dunn & Jones			84,718.32	98,016.01	(⁵)
Eaton, Samuel W.		7,221.15	21,788.34	28,081.33	(⁵)
Ettenger, E. Lloyd	6,675.45	10,359.20	13,810.42	21,676.84	24,792.42
Ferguson, Moir C.	3,300.00	4,600.00	6,400.00	12,875.00	(⁵)
Flood, R. J.			20,600.00	24,597.70	(⁵)
Frankel, G. S.			26,000.00	35,000.00	(⁵)
Gibson, S. Douglas	6,809.00	21,400.44	83,958.73	138,796.01	34,744.22
Goodloe, E. S.	3,072.66	8,072.73	20,542.32	49,764.43	40,863.89
Gose, John H.	3,672.98	3,672.15	25,121.41	12,000.00	(⁵)
Graham, William S.	23,525.21	19,338.50	18,958.08	18,267.29	4,922.94
Grant, Harry L.	16,900.00	32,412.98	60,358.37	51,037.31	(⁵)
Gray, George A.	6,570.48	16,690.00	36,946.52	60,656.30	44,440.96
Hanes, Earleton	2,749.43	5,438.24	18,290.15	19,289.65	35,085.46
Headen, C. W.	15,055.00	19,333.00	57,281.00	67,728.00	(⁵)
Jondreau, Russell	7,339.70	15,684.00	22,260.00	29,000.00	5,000.00
Joralemon, L. D.	42,573.63	63,496.01	103,312.72	64,088.06	(⁵)
Leyde, Glen H.			9,000.00	30,250.00	46,511.30
Lindquist, Gustaf and Raymond	60,861.55	39,114.32	24,104.92	21,208.88	(⁵)
Luther and Wood	4,330.71	6,257.76	38,440.26	40,937.99	44,425.39
Lynn, George H.	325.00	272.93	16,778.67	32,992.05	(⁵)
MacIntosh and Sheridan	38,935.04	39,532.77	124,186.48	123,352.92	47,933.27
Mashbir, Sydney F., Inc.	12,499.69	19,316.85	40,737.95	19,401.48	15,440.47
McDorman, L. K.	12,349.00	12,133.00	13,047.00	24,637.00	(⁵)
McNancy, Joseph A.	6,520.70	7,689.00	14,725.60	12,849.54	(⁵)
Meeks, S. J.	13,469.00	14,608.00	28,452.00	39,755.00	56,799.00
Meloney, George L.	13,721.23	15,627.53	23,509.03	34,877.63	80,650.90
Milburn & Brady, Inc.		34,550.00	52,176.00	48,000.00	4,400.00
Mullin, Leo F.	15,062.42	33,427.63	33,773.32	36,311.01	9,375.00
Nichols, J. R.	8,161.60	8,624.90	35,660.00	23,500.00	35,034.31
Orr, John J.				16,571.39	35,627.32
Pack, M. R.			17,150.00	27,460.00	9,141.98
Powell, Benjamin A.	12,597.35	13,849.08	35,350.49	\$89,343.90	\$78,466.63
Randall, Henry D.	4,056.22	5,758.20	30,652.31	14,645.48	18,160.75
Richtmeyer, A. L.			10,986.37	20,393.49	2,610.19
Rubel, Charles & Co.	68,901.75	102,493.84	203,529.61	287,553.26	(⁵)
Stock, Edward D.	8,837.12	11,198.30	21,449.65	27,199.64	(⁵)
Shirley, Olcott & Nichols	67,072.78	165,944.96	609,899.43	\$1,104,844.09	(⁵)
Springeour, William & Sons		214,053.20	613,799.69	\$516,049.11	(⁵)
Stone, Alexander H. (Stone & Stone Co.)				\$125,371.29	(⁵)
Sweeney and Bishop	10,833.56	31,559.38	48,372.61	49,660.65	(⁵)
Taylor, R. E.		750.00	5,925.91	25,325.83	141,591.68

See footnotes at end of table.

Amounts of retainer fees, reimbursements of expenses, salaries, and commissions paid to and due certain manufacturers' agents, 1939-42—Continued

	1939	1940	1941	1942	
				Received	Due
Thumm, C. A.	\$53,039.33	\$46,888.36	\$212,754.11	4 144,232.47	4 188,836.30
Ward, Horace			103,296.85	4 179,315.88	284,499.73
Washington Engineering Co.	60,644.61	74,944.24	310,177.05	253,193.76	(⁵)
Weller, Edward W.	1,361.54	2,711.42	15,268.86	38,753.42	66,219.23
Whitehead, Edward	2,929.39	5,555.15	22,128.40	58,438.95	(⁵)
Total	816,150.64	1,490,733.91	4,000,583.24	5,095,949.86	1,682,207.27

¹ In some cases, amounts include payments on commercial business.

² As of approximately August 1942 (see footnote 4).

³ Represents amounts due and to become due.

⁴ As of Dec. 31, 1942.

⁵ Not determinable.

⁶ Agents who previously appeared before committee.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The Clerk will state the next business on the calendar.

MISSISSIPPI RIVER BRIDGE, MEMPHIS, TENN.

The bill (H. R. 1702) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tenn., was considered, ordered to a third reading, read the third time, and passed.

CALCASIEU RIVER BRIDGE, LAKE CHARLES, LA.

The bill (H. R. 1731) granting the consent of Congress to the State of Louisiana to construct, maintain, and operate a free highway bridge across the Calcasieu River at or near Lake Charles, La., was considered, ordered to a third reading, read the third time, and passed.

ST. CROIX RIVER BRIDGE, HUDSON, WIS.

The bill (H. R. 2077) to extend the times for commencing and completing the construction of a bridge across the Saint Croix River at or near Hudson, Wis., was considered, ordered to a third reading, read the third time, and passed.

SAFEGUARDS TO RADIO COMMUNICATIONS OF SHIPS OF THE UNITED STATES

The bill (S. 1063) to extend the effective date of the Act of December 17, 1941, relating to additional safeguards to the radio communications service of ships of the United States was announced as next in order.

Mr. RADCLIFFE. Mr. President, since Senate bill 1063 was placed on the calendar, House bill 2612, covering the same subject, has been passed, and has come over to the Senate and now appears as calendar No. 302. I ask unanimous consent that the House bill be substituted for the Senate bill as amended by the Commerce Committee, and be considered at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

There being no objection, the Senate proceeded to consider the bill (H. R. 2612) to extend the effective date of the act of December 17, 1941, relating to additional safeguards to the radio communications service of ships of the United States.

Mr. RADCLIFFE. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Maryland will be stated.

The CHIEF CLERK. On page 2, line 2, after the word "following", it is proposed to strike out "present war and for 6 months thereafter" and insert "until July 1, 1945"; and in line 3, after the words "time as", to strike out "the President's proclamation."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1063 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 249) providing for taxation by the States and their political subdivisions of certain real property acquired for military purposes was announced as next in order.

Mr. GEORGE. Mr. President, I should like to have the bill go over for the purpose of enabling me to make certain inquiries. I have spoken to the author of the bill about it. I am unable to make any definite announcement as to whether or not I shall be able to withdraw my objection by the time of the next call of the calendar.

The PRESIDING OFFICER. The bill will be passed over.

REEMPLOYMENT OF MEMBERS OF THE MERCHANT MARINE

The bill (H. R. 131) to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes, was announced as next in order.

Mr. TAFT. Mr. President, I should like to ask the Senator from Maryland [Mr. RADCLIFFE] a question. Is the provision for bringing suit against private firms the same as that in the Selective Service Act?

Mr. RADCLIFFE. That is my understanding.

Mr. TAFT. It is not a remedy in addition to that given to selectees in the selective service?

Mr. RADCLIFFE. I have not the language of the existing law before me, and I would not attempt to give a definite

answer to the Senator from Ohio. This bill makes specific provision by which those who are denied the opportunity to get their positions back after the war are permitted, under certain conditions, to bring suit. This bill provides machinery to carry out that purpose.

Mr. TAFT. I remember the provision in the Selective Service Act. As I understand, this bill would extend that provision to members of the merchant marine. I was not certain that the Selective Service Act had as definite a provision for bringing suit for damages against a private concern which might fail to comply with the provisions of the law. Does the Senator think it is the same provision?

Mr. RADCLIFFE. I believe so, but I would rather not be entirely definite in my answer.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 131) was considered, ordered to a third reading, read the third time, and passed.

ADVANCES TO STATES FOR CERTAIN FEDERAL GRANTS

Mr. McKELLAR. Mr. President, from the Committee on Appropriations, I report favorably, without amendment, House Joint Resolution 136 and ask that it be read. Following the reading of the joint resolution, I shall ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The joint resolution will be read.

The joint resolution (H. J. Res. 136) making appropriations for advances to States for certain Federal grants for the first quarter of the fiscal year 1944 was read, as follows:

Resolved, etc., That there are hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for making for the first quarter of the fiscal year 1944, (1) grants to States for old-age assistance, (2) grants to States for aid to dependent children, (3) grants to States for aid to the blind, and (4) grants to States for unemployment compensation administration: Provided, That the obligations incurred and expenditures made for each of such purposes under the authority of this joint resolution shall be charged to the appropriation therefor in the Labor-Federal Security Appropriation Act, 1944.

Mr. McKELLAR. Mr. President, I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. McNARY. Mr. President, I have no objection unless it should lead to debate.

Mr. McKELLAR. It will not lead to debate if I can prevent it.

Mr. McNARY. If it should lead to debate I shall enter an objection.

Mr. McKELLAR. I thank the Senator. This money is needed in advance, and the legislation providing for it is late. I hope the joint resolution will be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

[PUBLIC LAW 87—78TH CONGRESS]

[CHAPTER 142—1ST SESSION]

[H. R. 131]

AN ACT

To provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act the term "service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, as an enrollee in the United States Maritime Service on active duty, and, to such extent as the Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator. Any person entering service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, completes a period of substantially continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator upon completion of such period, which shall include a record of any special proficiency or merit obtained.

SEC. 2. (a) In the case of any such person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after completion of such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(b) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his

period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without reasonable cause within one year after such restoration.

SEC. 3. In case any private employer fails or refuses to comply with the provisions of section 2, the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

SEC. 4. Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employers of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who, subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from such service.

SEC. 5. The Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of this Act.

Approved June 23, 1943.